

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**RONALD SMOLNIK and
DOLLY SMOLNIK,**

Plaintiffs,

VS.

**THOMAS VAN DYKE and
SUE VAN DYKE, individually and
d/b/a RANCH MOTEL AND STORAGE,**

Defendants.

8:04CV401

ORDER

This matter comes before the court on the plaintiffs' Motion for Substitution of a Party and for Leave to File an Amended Complaint (Filing No. 121). The plaintiffs filed a letter of the personal representative for Ronald Smolnik, deceased, and the proposed amended complaint with the motion. **See** Filing No. 121, Exhibits 1 and 2. The plaintiffs seek to substitute the personal representative of Ronald Smolnik, Dolly Smolnik, due to Ronald Smolnik's death on May 20, 2006. The defendants did not file any opposition to the motion. Pursuant to Federal Rule of Civil Procedure 25(a) and 15(a), the court concludes good cause exists for the substitution and amendment. Upon consideration,

IT IS ORDERED:

1. The plaintiffs' Motion for Substitution of a Party and for Leave to File an Amended Complaint (Filing No. 121) is granted.
2. The plaintiffs shall have to **on or before August 2, 2006**, to file the amended complaint.

Dated this 26th day of July, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge